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HW

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/818,350	03/27/2001	Masami Kanasugi	FUJX 18.514	1201
26304	7590	05/19/2005	EXAMINER	
KATTEN MUCHIN ROSENMAN LLP 575 MADISON AVENUE NEW YORK, NY 10022-2585			DO, CHAT C	
		ART UNIT		PAPER NUMBER
				2193

DATE MAILED: 05/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/818,350	KANASUGI ET AL.
	Examiner	Art Unit
	Chat C. Do	2193

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 31 March 2005.

2a) This action is **FINAL**.                                   2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-10 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-3, 5-7, and 9-10 is/are rejected.

7) Claim(s) 4 and 8 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date 03/24/2005.

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

**DETAILED ACTION**

1. This communication is responsive to Amendment filed 03/31/2005.
2. Claims 1-10 are pending in this application. Claims 1, 5, and 9-10 are independent claims. In Amendment, claims 1, 3, 5, 7, and 9-10 are amended. This Office Action is made final.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3, 5-7, and 9-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Fujita et al. (E.P. 0,336,669).

Re claim 1, Fujita et al. disclose in Figures 11A and 11B an over-sampling FIR filter for filtering with a clock having a frequency higher than a frequency of accepting input data (e.g. abstract lines 3-6 and page 8 lines 13-18), comprising: a shift register (e.g. register that hold all  $D_1 D_0 D_{-1}$ ) having a plurality of holding parts (e.g. latch 201 in Figure 11B) connected in cascade for sequentially accepting input data (e.g. Input at 200); a plurality of selectors (e.g. 204a, 204b, and 204c) respectively formed corresponding to holding parts each selector selecting, a predetermined number (e.g. a 1-

a35 in 204a) of individual tap factors from a plurality of tap factors, in which the selecting is done sequentially in each selector (e.g. page 8 lines 42-48) in synchronization with clock; a plurality of multipliers (e.g. 205a, 205b, and 205c) formed respectively corresponding to holding parts (e.g. 201, 202, and 203 respectively) for respectively multiplying input data held in holding parts (e.g. output of each latch), by tap factors selected (e.g. a6, b6, and c6 respectively) by selectors corresponding to holding parts; and an adder (e.g. 206) for adding the multiplication result from multipliers (e.g. output of 205a, 205b, and 205c) and outputting (e.g. output at 207) the resultants as output data, and wherein one of selectors (e.g. 204a) capable of changing its respective predetermined number of individual tap factors to be selected and at least one other of selectors (e.g. 204b and 204c) also capable of changing its respective predetermined number of individual tap factors, such changes being made in accordance with a change in the number of over-samples (e.g. , which is the number of tap factors to be multiplied by single input data and wherein input data is multiplied always by the same total number of tap factors in the same order, regardless of the change in the number of oversamples (e.g. page 9 lines 42-53 wherein each of the coefficient in ROMs 204a, 204b, and 204c would be any value).

Re claim 2, Fujita et al. further disclose in Figures 11A and 11B a part of plurality of tap factors respectively selectable by selectors adjacent to one another are shared by selectors (e.g. page 8 lines 50-59).

Re claim 3, Fujita et al. further disclose in Figures 11A and 11B a tap controlling unit for instructing selectors which of tap factor to be selected first in accordance with a change in number of over-samples (e.g. page 8 lines 50-59).

Re claim 5, it is a method claim of claim 1. Thus, claim 5 is also rejected under the same rationale in the rejection of rejected claim 1.

Re claim 6, it is a method claim of claim 2. Thus, claim 6 is also rejected under the same rationale in the rejection of rejected claim 2.

Re claim 7, it is a method claim of claim 3. Thus, claim 7 is also rejected under the same rationale in the rejection of rejected claim 3.

Re claim 9, it is an integrated circuit claim of claim 1. Thus, claim 9 is also rejected under the same rationale in the rejection of rejected claim 1.

Re claim 10, it is a system claim of claim 1. Thus, claim 10 is also rejected under the same rationale in the rejection of rejected claim 1.

#### *Allowable Subject Matter*

5. Claims 4 and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### *Response to Arguments*

6. Applicant's arguments with respect to claims 1-3, 5-7, and 9-10 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

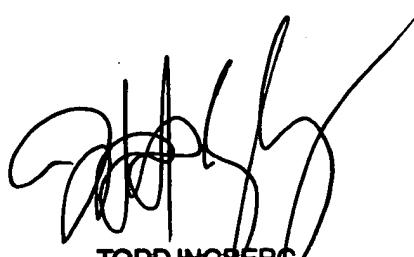
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chat C. Do whose telephone number is (571) 272-3721. The examiner can normally be reached on M => F from 7:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chaki Kakali can be reached on (571) 272-3719. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chat C. Do  
Examiner  
Art Unit 2193

May 11, 2005



TODD INGBERG  
PRIMARY EXAMINER